

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF TEXAS

Sherman Division

FILED

JUN 25 2021

Clerk, U.S. District Court
Eastern District of Texas

Rhonda Marie McLemore

Plaintiff(s)

Case No.

4:21 cv 485 ALM/CAN

Jury Trial: (check one) ☒ Yes ☐ No**Original Complaint**

Defendant(s)

~~Walmart Texas Stores et al~~
Jason Wayne Stewart, Cinthya Marina Knowlton,
Raquel Nunez, Lionel Casias
Uday Kuchimanchi (PWC)

Walmart Stores Texas, LLC, ET AL.

COMPLAINT FOR EMPLOYMENT DISCRIMINATIONRetaliation
Retaliation**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Rhonda Marie McLemore
Street Address	1801 McCord Way #137
City and County	Frisco, Collin
State and Zip Code	Texas 75033
Telephone Number	903-820-3622
E-mail Address	onlyjust47@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination**Defendant No. 1**

Name	Josephine Jacobs
Job or Title <i>(if known)</i>	Asset Protection Manager
Street Address	8555 Preston Road
City and County	Frisco, Collin
State and Zip Code	Texas, 75034
Telephone Number	469-237-3768 Ext 100
E-mail Address <i>(if known)</i>	Unknown

Defendant No. 2

Name	Cinthya Knowlton
Job or Title <i>(if known)</i>	Store Manager
Street Address	8555 Preston Road
City and County	Frisco, Collin
State and Zip Code	Texas, 75034
Telephone Number	469-227-3768
E-mail Address <i>(if known)</i>	Unknown

Defendant No. 3

Name	Uday Kuchimanchi
Job or Title <i>(if known)</i>	Senior Manager -Senior Integration Architect(PWC)
Street Address	300 Madison Ave / 2121 N. Pearl St
City and County	New York(Unknown)/ Dallas,Dallas
State and Zip Code	New York 10017 Texas 75201
Telephone Number	410-292-4770 /646-471-4000
E-mail Address <i>(if known)</i>	Unknown

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 4

Name	Wal-Mart Stores Texas, LLC et al (Entity)
Job or Title (<i>if known</i>)	AKA Wal-Mart Stores Texas 2007, LLC Filing Number 800834865
Street Address	702 SW 8th Street C/O Sales Tx #555
City and County	Bentonville, Benton
State and Zip Code	Arkansas ,72716-6209 USA
Telephone Number	479-273-0060
E-mail Address (<i>if known</i>)	Unknown

Defendant No. 5

Name	Jason Wayne Stewart
Job or Title (<i>if known</i>)	Market #56 Manager
Street Address	425 Coit Rd
City and County	Plano , Collin
State and Zip Code	Texas,75075
Telephone Number	972-599-1650
E-mail Address (<i>if known</i>)	Unknown

Defendant No. 6

Name	Raquel Nunez
Job or Title (<i>if known</i>)	Market #56 Human Resource
Street Address	425 Coit Rd
City and County	Plano, Collin
State and Zip Code	Texas, 75075
Telephone Number	972-599-1650
E-mail Address (<i>if known</i>)	Unknown

Defendant No. 7

Name	<u>Lionel Casias</u>
Job or Title (<i>if known</i>)	Team Lead
Street Address	5001 McKinney Ranch Parkway
City and County	McKinney, Collin
State and Zip Code	75070
Telephone Number	972-529-5046
E-mail Address (<i>if known</i>)	unknown

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Walmart
Street Address	8555 Preston Road
City and County	Frisco , Collin
State and Zip Code	Texas 75034
Telephone Number	469-237-3768

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

Retaliation**Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. § 2000e-3(a)**

Forbids an employer from retaliating against an employee because of the employees opposition to any practice made unlawful or the employees participation in an investigation proceeding or hearing under Title VII

Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

**Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.**

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

**Whistle Blowers Protection Act of 1989**

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):

Defamation U.S. Code § 4101 (1)(2)(5)(6)(A) Libel& Slander



Relevant state law (specify, if known):

Retaliation Section § 21.055 (1)(2)(3)(4)Texas Labor Code 21

**Wrongful Discharge from Employment Act**

Statutory Exceptions:(a) State and federal employment discrimination

statutes(b)Protected

activity(c) bringing suspected wrongdoing to the attention of competent government authorities.

(d) filing various claims(e) Military Duty(f)Jury Duty(g)Voting

JURISDICTION

United States District Court for the Eastern District of Texas . Sherman ,Division one of 4 federal judicial districts in Texas Court. For the District is held at Beaumont, Lufkin, Marshall, Plano, Sherman, Texarkana and Tyler. Caes 4:18-cv-00689 ALM-CAN assigned to Sherman Division 101 Esat Pecan Street Sherman, Texas 75090 -7940 Preston Rd Plano Texas 75024

Plaintiff brings the subject matter under federal question jurisdiction of the United States Federal Court Eastern District of Texas Sherman, Division alleging a violation of United States Constitution , federal law, or a treaty to which United States is a party.

Title VII of Civil Rights Act of 1964 (Pub I 88-352) Retaliation, Sec: 11C of Osha Act Retaliation Age Discrimination Employmnet Act of 1967 (ADEA) Conspiracy Deprivation of Civil Rights

42 U.S.Code 1985. Libel and Slander(Defamation) Wrongful Termination (Breach statute provision or rule in employment law

United States Court Eastern District Sherman Division

4 Collin County United States Court and Grayson County United Sates Court both seat in the United States Fedral Court Eastern District Sherman, Division both are appropriate because a substatial part of the events I Rhonda Mclemore am suing about happened in this district. Majority of the defendants are located in this district. Any other defendants located in Benton County entering the state of Texas as CT Corporation in Nothern District of Texas.

5 Intradistrict Assignment
United States Court for the Eastern District of Texas : Sherman Division Grayson, Collin County
Because this lawsuit arose in Frisco Texas, Collin County it should be assigned to United States Court for the Esatern District of Texas Sherman Division of this court.

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COMPLAINT

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Defamation (Slander & Libel)

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Began 04/2017 Ended 06/18/2021 Wrongful Discharge

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* 07-06-2018 Original Charge

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 04/29/2021 .

Retaliation

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☒

60 days or more have elapsed. Initial Charge#493-2018-01554

☐

less than 60 days have elapsed. New Charge #450-2019-02170

03-01-2019

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

July 2017 until present Ms Rhonda Marie Mclemore civil liberties and rights has been violated for her participation in the filing of a discrimination charge with the EEOC. Mrs Sybil Edwards Refusal & Admission electronically to investigate a civil duty bestowed on her by the Federal Agency(Equal Opportunity Employment Commission). Further violates my "Civil Rights and Public Policy for a fair hearing due to all U.S. citizens. Plaintiff RhondaMarie McLemore received a "Wrongful Discharge from Walmart Texas Stores LLC. et al. I am diligently seeking Compensatory, Punitive & Nominal Damages in the sum of 562,000 for the emotional and physical harm caused by this unlawful practice.

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

4/29/21
EEOC Commission

To: Rhonda M. Mclemore
1801 McCord Way
#137
Frisco, TX 75033

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2019-02170

Sybil Edwards,
Investigator

(210) 640-7563

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**



On behalf of the Commission

For

4/29/2021

Enclosures(s)

Travis G. Hicks,
Director

(Date Issued)

cc:

Raquel Nuez
Human Resources Director
WALMART
8555 Preston Rd
Frisco, TX 75034

Enclosures(s)

cc: **Nancy L. Waters**
Geary, Porter & Donovan, P.C.
16475 Dallas Parkway
Suite 400
Addison, TX 75001

FIRST Claim

*(Name the law or right violated: **Retaliation** ;Civil Rights Act of 1964 42 U.S.C. § 2000e-3(a)*

*(Name the defendants who violated it: **Walmart Store Texas L.L.C, Jason Stewart, Cinthya Knowlton***

, Raquel Nunez, Josephine Jacobs, Uday Kuchimanchi, Lionel Casias, and EEOC

Federal Investigator Mrs Sybil Edwards all violated my rights under Civil Right Act of 1964

Plaintiff encountered a Wrongful Discharge after engaging in what is suppose to be protected

behaviors according to "Public Policy".

Continued (Page 11)

First Claim

(Name the law or right violated): Title VII of the Civil Rights Act of 1964

(Name the defendants who violated it): Publ.88-352 Title VII U.S.C. prohibits employment

discrimination based on race color, religion and National origin. Civil Rights Act
1991 Pub L 111-2 Amend Several Sections 1977. 42 U.S.C 1981 . Wal-Mart Stores Texas, LLC

et al and supervisors neglected there feduciary duty to protect associate and plaintiff from illegal
acts of discrimination on the base of race and age. Plaintiff Rhonda Mclemore waas subjected to

harassment , severe retaliation and hostile treatment unlike any associated in the
building located at 8555 Preston Road unit 5866 Walmart. Where she pleaded with supervisors

to discontinue the practice. Upon her going to EEOC and filing her Right to Sue in federal court
and the summon s arri .ving in the building a conspiracy was form^{ed} and supervisor and seemingly

governement official^s assisted Wal-Mart to continue there illegal behavior agaainst
the plaintiff for no just cause until Rhonda Mclemore plaintiff received final harm a wrongful

discharge for speaking about and reporting illegal acts to EEOC, TWC, Department of labor and
Attorney General of U.S. Employer Liabilty for Harrassment -Employer is automatically liable for

harassment by a supervisor that results in negative employment action such as
termination failure to promote or hire loss of wages . if the supervisors harrasment^{ment} resultⁱⁿ a hostile

work environment the employer can avoid liability only if it can prove(1) it reasonably tried to
prevent and promptly corrected the harassing behavior 92) the employee unreasonably failed to take

advantage of any preventative or corrective oppurtunities by employer. The employer
will be liable for non-supervisory employee or non employees of who it has control if it knew or
should have known about the harassment and failed to take prompt and appropriate action.

Vance v Ball State University 133 S. Ct. ,2434 (2013) Mach Mining v. EEOC 135 S.Ct.1645

(2015), EEOC v. Ambercrombie and Fitch Store Inc 135 S Ct. 2028 (2015)Wal-

Second Claim

(Name the law or right violated: Defamation Per Se -Defamatory Statement / Libel Slander

(Name the defendants who violated it: Cintha Knowlton Store Manager and Josephine)

_____. Jacobs created a libel slandering the Plaintiff Rhonda Mclemore reputation infinitely among her employer Wal-mart for no just cause . This libel was sent to Frisco Police, Texas Work Force Commission , Osha (all government entities) and Nancy L Waters of Geary Porter and Donovan . This libel was created to intentionnally to terminate Rhonda Mclemore the plaintiff

_____. The supervisors had no just cause to terminate. And intentionnally made up this Slanderous statemjnt and distributed to 4 different location in the state of Texas and at her Place of employment for her to face embarrasment in her work environment and her home environment .

The harm caused by the libel spoen or written has casued major harm to plaintiff resulting in a loss

_____. income , life insurance and health insurance which was cancelled prior to termination of employment and Insurance. Plaintiff encountered a wrongful discharge January 4 2018

strictly out of retaliation from filing a lawsuit in re to a protected class in which Wal-Mart Store Texas, LLC seem to condone and tolerate.

_____. Cary Kiser " They thought they heard the people in the community know who you are , they dont want you here you need to leave now."

_____. Frisco Police : The people in the community know who you are they dont want you need to leave or else.

FOIA request from TWC she states I was escorted from building?

Osha FOIA Request Made for Definite Statement.

11

1 Third CLAIMS

2 3rd

3 (Name the law or right violated: **Non Federal Employee Whistle Blower Protection Act(2012)**)

4 (Name the defendants who violated it: Wal-Mart Texas Stores LLC , Cinthya Knowlton , Jason Stewart)

5 [Explain briefly here what the law is, what each defendant did to violate it, and how you were
6 harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

7 1 **Rossana Nardizzi and Louise Acevedo (Occupational and Safety Act**

8 **Failed to investigate retaliation claim after:**

9 condition, privileges of Employment. Jason Stewart and Cynthia Knowlton misused their positions of power for Wal-Mart

10 **and administered a wrongful discharge with the help of 2 federal agents.**

11 Wal-Mart failed to stop these 2 supervisors from retaliating against plaintiff

12 **after the filing of a 11-c complaint she was retaliated against with the act**

13 **â false police matter and disguise of misconduct (threat to Store Manager) in effort to**
14 **administer this wrongful discharge**

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

January 4, 2019 Plaintiff

Rhonda Mclemore was subject to severe retaliation , desparate treatment , harrasment, and many bouts of espionage in effort to terminate her employment for excercising her constitutional right . to report illegal acts(discrimination and workplace violations to U.S Department of Labor & EEOC Wal-Mart and all supervisors were made aware of associates complaints of blatant discrimination targeting Aged and Blacks . Retaliation continued against the plaintiff until the date of December 29, 2018 when a defamatory statement was created by the Store Manager Mrs Cinthya Knowlton causing final harm when Plaintiff Rhonda Mclemore received a unjustfiably wrongful discharge. Plaintiff is praying for relief in the amount of 41,000 annually to the age 65. Totalling 492,000. And respectfully pray that releif sought will be granted in conjunction with punitive damages.

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

☒ Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date:

6/25/2021
06/18/2021

Sign Name:

Print Name:

Rhonda Marie Mclemore